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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,211	07/09/2003	Kenichi Iida		1739

7590 09/10/2004

Jay H. Maioli
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

THAI, TUAN V

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,211

Applicant(s)

IIDA ET AL.

Examiner

Tuan V. Thai

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/693,125.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Part III DETAILED ACTION

Specification

1. This application is a division of application 09/693,125, filed on October 20, 2000; now Patent No. 6,662,269. Claims 1-16 have been canceled. Claims 17-20 are presented for examination.

2. Applicant is reminded of the duty to fully disclose information under 37 CFR 1.56.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 17 is rejected under 35 U.S.C. § 102(e) as being anticipated by Eagle (USPN: 6,226,739).

As per claim 17, Eagle discloses the invention as claimed

including a recording medium is taught as personal palm-type device [41] comprising an update data recording region for recording the update data for updating the data stored in the installed data rewriting apparatus is taught as available RAM region 40 (number not shown in figure, however shown in detailed description) for recording the upgraded-received-global software distribution package (e.g. see figure 1; column 2, lines 9-11, column 3, line 36), a program data recording region for recording the program data for transferring the update data to the data rewriting apparatus is taught as programmable Read Only Memory (ROM) region 43 (e.g. see figure 1, column 2, lines 11-15); and a discrimination data recording region for recording the discrimination data for discriminating recording of the update data and program data is taught as ADMIN APPLNS region 46 for storing the administration data which controls the storing of the upgraded-received-global software distribution package in both RAM 40 and ROM 43 regions (e.g. see figure 1).

Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eagle (USPN: 6,226,739);

As per claims 18 and 19; Eagle discloses the invention substantially as claimed, detailed above with respect to claim 17. Eagle; however, does not particularly disclose a first position recording region and a second position recording region for recording data indicating the position of the update data and program data recorded in the recording medium. First of all, it should be noted that the data utilized for indicating position of update/program data is known in the art as the administration data; secondly, it should further be noted that Eagle clearly discloses separate administration region [46] for storing ADMIN APPLNS data (e.g. see figure 1). The only deficient in Eagle reference is that Eagle does not specifically detail separate positions nor functions of each of the ADMIN data. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to implement separate sub-regions within the data ADMIN region for storing position data in order to indicate positions of the update data and program data recorded in the recording medium; for example the position of the upgraded-received-global software distribution package in the available RAM memory, and the deleted

application programs which are downloaded from ROM to RAM (step 76 of fig. 3). In doing so, it would enhance overall system throughput by allowing for quick retrieval of downloaded-global software and application in both RAM and ROM, therefore being advantageous.

As per claim 20, a management data recording region for recording management data for managing the data recorded in the recording medium, aside from the first position recording region is taught as MINI UPDATE APPLN region [44] for storing/recording management data (see figure 1, e.g. Tivoli software package, known as Tivoli Management agent for controlling of the writing of data into flash ROM from software distribution package in RAM).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (703) 305-3842. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (703)-305-3821. The fax phone number for the organization where this application or proceeding is assigned is

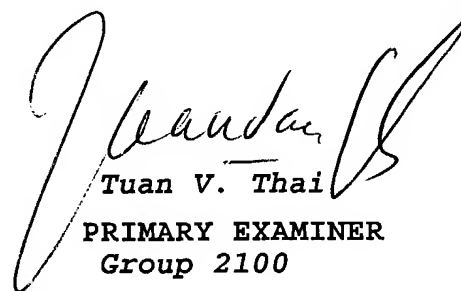
Application/Control Number: 10/616,211
Art Unit: 2186

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703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/September 07, 2004



Tuan V. Thai
PRIMARY EXAMINER
Group 2100